

REMARKS

Claims 1-7, 10, and 11 are currently pending in this application, with claims 8, 9, and 12 being cancelled by this Amendment.

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipate by Shaftner (U.S. Patent No. 5,308,188); and rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Shaftner in view of McGinnis (U.S. Patent No. 4,917,531).

By this Amendment, Applicant has amended claims 1-7, 10, and 11 to more clearly recite features of the present invention. Applicant respectfully traverses the Examiner's rejections of the claims, for the following reasons.

Shaftner discloses a ramp for a temporarily-elevated utility access hole. As shown in Fig. 2 of the reference, the ramp has a flat lower surface and a sloped upper surface. Shaftner further discloses that the ramp can be molded in different thicknesses and used singly or stacked on top of one another. (Col. 1, lines 50-52).

McGinnis discloses a pad for use with a manhole support during street repairs. The reference fails to disclose the thickness of the pad, but does state that "[i]t is preferred that the thickness of the pad 24 be substantially the same as the vertical difference between the exposed upper surface of the ground roadway 17' and the upper end of manhole support 10." (Col. 3, lines 41-45).

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In contrast, the present invention recited in claim 1, and claims 2-6, 10, and 11, at least by virtue of dependence, recite a combination of elements, including a resilient, replaceable collar having a body with upper and lower surfaces, wherein the upper surface of the body is in substantially planar alignment with an upper surface of a roadway structure; and at least one

resilient riser provided between the lower surface of the collar body and the roadway pavement, the resilient riser having a thickness so that the collar body and resilient riser together have a height substantially equal to the distance the roadway structure extends above the roadway pavement.

Neither Shaftner nor McGinnis discloses this combination of elements. As admitted by the Examiner, Shaftner fails to disclose or suggest that the upper surface of the ramp body is in substantially planar alignment with an upper surface of a roadway structure. Shaftner also fails to disclose a resilient riser provided between the lower surface of the collar body and the roadway pavement. Instead, the reference discloses that the ramp (collar) may have a variety of thicknesses or be stacked upon another ramp. ^{same?} Stacking ramps having sloped upper surfaces is not the same as providing a resilient riser below the lower surface of the collar body. Furthermore, such stacked ramps would be very awkward in use since their top surfaces are sloped.

McGinnis also fails to disclose or suggest that the upper surface of the ramp body is in substantially planar alignment with an upper surface of the roadway structure, and the provision of a resilient riser. Rather, this reference teaches away from these claimed elements by disclosing that the thickness of the pad 24 is preferably substantially the same as the vertical difference between the exposed upper surface of the ground roadway 17' and the upper end of manhole support 10. (Col. 3, lines 41-45). By teaching that the pad has a uniform thickness, the reference teaches away from having sloped side walls, as well as the need for a resilient riser.

In light of the above, Applicant submits that Shaftner and McGinnis, whether taken alone or in any reasonable combination, fail to disclose or suggest the combination of elements recited in claims 1-7, 10, and 11, and that these claims are allowable over these references. Applicant,

therefore respectfully requests that the Examiner reconsider and withdraw the prior art rejections of these claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

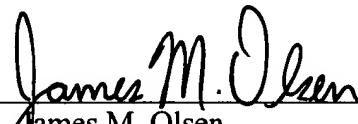
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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